

AFFIDAVIT

My name is Harold Weisberg. I reside at 7627 Old Receiver Road, Frederick, Maryland. I am a former reporter, investigative reporter, United States Senate investigator and editor, intelligence analyst (Office of Strategic Services) and I am the author of six books on the assassination of President John F. Kennedy and its official investigations and one book on the assassination of Dr. Martin Luther King, Jr., and its official investigations.

1. After publication of my book on the King assassination I conducted the investigations for the habeas corpus proceeding in the case of Ray v. Rose and for the subsequent two weeks of evidentiary hearing in that case in federal district court in Memphis, Tennessee. After the end of that litigation I used the Freedom of Information Act (5 U.S.C. 552) to obtain access to the relevant information of the Department of Justice and its components, including the Federal Bureau of Investigation and several of its field offices.

2. After Mr. Ray informed me that on April 2, 1968, he had been at the De Soto Motel, near White Haven, Mississippi, which is just south of the city of Memphis, in particular because the disclosed official information did not reflect any official investigation at that motel, I went there. The manager, who was not the manager at the time Mr. Ray was there, did know of his having been there. He informed me that the registration cards for that period still existed (and he showed me the cards and where they were kept) and that one of the two maids who worked when Mr. Ray was there was working that day. At my request he got her and I questioned her. She stated that she was one of two maids then still employed at the De Soto Motel who had personal knowledge of Mr.

Ray's presence just before Dr. King was killed and that after he checked in he switched his accommodations, from the south leg of that motel, which is U-shaped, to the north leg. She also told me that she and the other maid had been interviewed by the FBI shortly after that assassination.

3. The manager would not let me search for and locate Mr. Ray's registration card without the permission of the owner whose name he gave me. He did show me samples of registrations, which were on 3x5 cards, as I now recall, normal indexing cards. Some bore only such simple legends as "hi there." The manager told me that under Mississippi law anything at all written on a card sufficed as a registration.

4. The black woman to whom I spoke told me she was quite positive that the man who was there and switched rooms was James Earl Ray. She told me that she and the other maid discussed this after Mr. Ray was identified as "Eric Starvo Galt" and his picture was published.

5. Mr. Robert Livingstone, a Memphis attorney, was of Mr. Ray's counsel. After I left the De Soto Motel I went to Mr. Livingstone's office to report this interview to him. I asked that he obtain the indicated affidavits instead of me because he is a lawyer and because the time I then had to be in the Memphis area was limited. Mr. Livingstone told me that he knew the owner of the De Soto Motel and that he would obtain the indicated affidavits and the registration card.

6. I did not learn that Mr. Livingstone had not done this until I was in Memphis to assist in the preparation for the evidentiary hearing. I then had no time to do those things myself.

7. I took photographs of the De Soto Motel and I recall its general appearance and layout. It was on the east side of the north-south highway, I think Highway No. 51. Looking at the motel from the road,

the open end of the "U" is toward the road and the office is at the open end. Behind the registration desk part of the office and separated from it by a cloth over the doorway was an office part of the motel. The registration cards were in boxes in a closet against the wall that separated it from the registration part of the office.

8. On the way back to Memphis from the De Soto Motel I stopped off at the White Haven Rexall Pharmacy where, according to the voir dire in the original case against Mr. Ray, he had purchased some toilet goods. My inquiries there confirmed that it was he who had made those purchases. There is only a very short distance between this motel and this drugstore.

9. FBI records I examined under the Freedom of Information Act disclose that various of its field offices had been instructed to check and investigate all the motels along roads and in areas where Mr. Ray was alleged to have been. There are a great number of such FBI investigations reported in the records I examined and they included the records of the registrations of the days of interest. However, there was no FBI record of making any such investigation at the De Soto Motel, despite specific instructions that all such establishments in the Memphis area be checked.

10. There was, however, a record of the FBI's investigation at this pharmacy and of its investigations of and at what, to the best of my present recollection, it identified as the White Haven Bait and Minnow Shop. The FBI had investigated there in the course of its tracing of some cans of beer found at the scene of the crime. It decided that this beer had been purchased at that shop. Because of the general instructions, to check all area motels, and because the FBI had actually investigated repeatedly almost at the De Soto Motel, whose employees informed me that it had been there, I believed that there had to be records of its having made an investigation at the De Soto Motel both at the time of the initial

investigation and after my book appeared because it includes Mr. Ray's statement that he had registered there April 2, 1968. I therefore made several special requests in this Freedom of Information Act matter, of the FBI and of the Department of Justice appeals officer, for the results of the FBI's investigations at the De Soto Motel. The federal district court for the District of Columbia and I were assured by both the FBI and the Department that there are no such FBI records in either the field office or FBI Headquarters in Washington.

11. This was surprising to me because of my knowledge of FBI practices and procedures. It is standard FBI practice for agents to file interview reports on FBI Form FD 302, with a copy to FBIHQ.

12: While this claimed nonexistence of De Soto Motel interview reports is an unusual departure from FBI practice, as is the absence of any record of any investigation at the De Soto Motel when the FBI was instructed to cover all area motels, it is not without precedent in this particular matter. Of the other such instances of which I have personal knowledge from examination of the FBI's disclosed records and from special inquiries made by the FBI and the appeals office in response to my requests, the case of the FBI's interview of Charles Quitman Stephens is a parallel. Mr. Stephens was used by the Department to place Mr. Ray at the rooming house from which the government claims the shot that killed Dr. King was fired. When the FBI obtained a photograph of Mr. Ray taken at a bartending school he attended under the Galt alias, it showed that photograph to Mr. Stephens. Mr. Stephens said that Ray was not the man he saw. Yet an affidavit from him making a Ray identification was used to obtain Mr. Ray's extradition from England. Mr. Stephens' negative identification was filmed and recorded and aired years later by CBS News. Allegedly the FBI has only an indirect reference to its interview with Stephens. In it the allegedly nonexisting interview

report is paraphrased as an inconclusive identification. Despite this the FBI insists it never had the interview report that it paraphrased. There are other such instances. All those of which I have personal knowledge reflect information that is inconsistent with the official account of the King assassination.

13. There is no doubt at all from the many FBI records I have examined that it was ordered to conduct investigations at all the motels in the Memphis area that that this included the De Soto Motel. There is no doubt at all from my personal investigation that Mr. Ray was at the De Soto Motel the night of April 2, 1968 (Dr. King was assassinated April 4); that the FBI went there and conducted the ordered investigation; and that this was common knowledge at that motel thereafter. There is no doubt at all from standard FBI practice that at the very least an interview report, usually made on a Form FD 302, should have been forwarded to FBIHQ. And there is no doubt at all that the FBI and the Department of Justice informed me and then the federal district court for the District of Columbia that they have no such report and no such information in any other form.

HAROLD WEISBERG

FREDERICK COUNTY, MARYLAND

Before me this 27th day of April 1987 Deponent Harold Weisberg has appeared and signed this affidavit, first having sworn that the statements made therein are true.

My commission expires July 1, 1990.



William Weisberg
NOTARY PUBLIC IN AND FOR
FREDERICK COUNTY, MARYLAND